

Notice of Allowability

Application No.

09/638,063

Examiner

Peter L. Ludwig

Applicant(s)

TERASE, TAKAO

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Status Request filed on February 12, 2007.
2. ☒ The allowed claim(s) is/are 3-10,12-15,18-33,37 and 38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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DETAILED ACTION

Acknowledgements

1. This Office Action has been given Paper No. 20070319 for reference purposes only.
2. Claims 3-10, 12-15, 18-33, and 37-38 are currently pending in this application.
3. This Office Action is in correspondence with the Amendment filed by the Applicant on 06/07/2006.

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Allowable Subject Matter

4. The following is an examiner's statement of reasons for allowance:

5. As per claim 3, Olewicz describes a computer system for restaurants that includes a central server and a series of table units 12 and staff units. A customer request at the restaurant using the Olewicz system is entered through the table units 12. Furthermore, in Olewicz, a hostess, located at the entrance at a hostess stand, operates a hostess computer 53 to assign customer to their tables. Olewicz further teaches that the hostess computer communicates with the central server, located in a back room or office area, while "the series of table units 12 ... are mounted at each Table T (Fig. 1) or at a booth or along a bar area B." In addition, Olewicz's table units 12 can be composed of a base unit 34 mounted to a mounting plate 32 and communications unit 26, and "the base unit can be easily reached by any customer sitting around the table or booth."

Olewicz does not teach that the portable table top terminal includes a number reading part that reads an identification number of the terminal receptacle. Olewicz also does not teach wherein the portable table top terminal processes a customer's order on the basis of the identification number. Olewicz also fails to teach that the control unit manages the occupancy of the at least one customer location based on the identification number.

Smith does teach a docking station 120 including configuration information stored in a non-volatile memory 260, that is read by a notebook computer 110, so that the notebook can verify whether or not the notebook is compatible with the software running on the docking station 120.

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However, Smith also fails to teach that the portable table top terminal processes a customer's order on the basis of the identification number (of the terminal receptacle), and also fails to teach that a control unit manages the occupancy of the at least one customer location based on the identification number.

Therefore, even if all the claimed limitations were disclosed in the prior art it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the use of the identification number with Olewicz because Olewicz and Smith do not provide the motivation to perform the proposed modification of Olewicz. In other words, an attempt to bring in the isolated teaching of Smith's configuration and identification information into Olewicz' table units 12 would amount to improperly picking and choosing features from different references without regard to the teachings of the references as a whole. While the required evidence of motivation to combine need not come from the applied references themselves, the evidence must come from somewhere within the record. In this case, the record fails to support the proposed modification of Olewicz.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

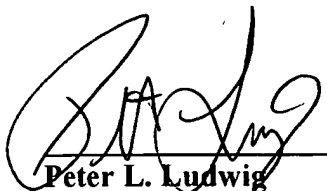
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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter L. Ludwig whose telephone number is 571-270-1365. The examiner can normally be reached on Mon-Fri 7:30-5:00, 1st Fri. Off, 2nd Fri. 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Peter L. Ludwig
Patent Examiner
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ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600